



# **COVID-19 JUDICIAL BRANCH TASK FORCE**

**FRIDAY, MAY 1, 2020 – 10:00AM  
VIA WEBEX**

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## **I. INTRODUCTIONS**

## **II. DEFINE TASK FORCE MISSION**

- A. Extension of Deadlines  
\*Priority Issue: Possible Further Extension of June 1, 2020 filing Deadline\*
- B. Drafting of Timetable / Trigger Points for Phasing Back to Full Operation
- C. Best Practices for Safety While Phasing Back to Full Operation
- D. Suggested Future Topics for Recommended Emergency Directives by Chief Justice Beasley
- E. Identifying Priorities for Types of Court and Cases Phasing Back to Full Operation
- F. Innovations in Court Scheduling & Operations to Minimize Exposure Risk

## **III. PROPOSED SCHEDULE FOR WORK OF TASK FORCE**

- A. Thursday, May 7, 2020 – Possible Further Deadline Extension
- B. Thursday, May 21, 2020 – Comprehensive Report on Phasing Back to Full Operation

## **IV. RESEARCH ASSIGNMENTS**

- A. Input from Stakeholder Workgroups
- B. Other Information & Research

## **V. NEXT MEETING DATE: Tuesday, May 5<sup>th</sup>, 2020?**

*(continued to next page)*





## **VI. ATTACHMENTS: EXAMPLES AS STARTING POINT FOR DISCUSSION**

- A. Issues Related to Deadline Extensions
- B. Categories for Prioritization of Court Types & Court Cases
- C. Possible Innovations in Court Scheduling & Operation to Minimize Exposure Risk





## ATTACHMENT A:

### ISSUES RELATING TO DEADLINE EXTENSIONS

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1. The date on which delayed filings and actions will first become due;
2. Whether new deadlines should now fall due on one specific date versus rolling deadlines based upon extension of any prior deadlines by a specified number of days;
3. If rolling deadlines are recommended, by what length of time should prior deadlines be extended? (i.e. 90 days, 120 days, etc.);
4. Should the same rule be applied both to filings due and acts to be done? If not, how should acts be treated differently?





## ATTACHMENT B:

### CATEGORIES FOR PRIORITIZATION OF COURT TYPES & COURT CASES

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#### COVID-19 Court Management Workgroup List

##### DISTRICT COURT

##### PRIORITY

###### A. Criminal

a. Admin	Medium
b. Misdemeanor	Medium
c. DWI	Medium
d. Traffic/Infractions/Disposition	Medium
e. First Appearances	High
f. Felony Probable Cause	High
g. Bond Forfeiture	Low
h. Expunction	Low
i. Drug Treatment	High
j. DWI Treatment	High
k. Veterans Court	High
l. Domestic Violence Bond Hearings	High
m. Probation Violation	High
n. H&I Felonies	Low
o. Citizen-initiated Complaints	Medium
p. Pleas	High

###### B. Civil

a. General Civil	
i. Magistrates/Small Claims (ejectments)	High
ii. Jury	Low
iii. Nonjury	Medium
iv. Motions	Medium
v. Minor Settlements	High
vi. Tax Delinquency	Low
b. Arbitration	Low
c. Domestic	
i. Divorce	Medium
ii. Custody	High
1. Ex Parte Temporary Custody	High
2. Temporary Custody	High





iii. Child Support	Medium
iv. Post Separation Support/Alimony	Medium
v. Equitable Distribution	Medium
d. Domestic Violence	High
i. Ex Parte Temporary hearing	High
ii. Permanent hearing	High
iii. No-Contact	High
1. Ex Parte Temporary hearing	High
2. Permanent hearing	High
e. Child Support	Medium
i. Establishment	Medium
ii. Enforcement	Medium
iii. Motions	Low
f. Juvenile	High
i. Abused, Neglected, Dependency	High
1. Non-secure Custody Petitions	High
2. Compliance petitions	High
3. Obstruction Petitions	High
4. Adj/Disp/Reviews	High
ii. Delinquency/Undisciplined	High
1. First Appearances	High
2. Secured Custody Petitions	High
3. Adj/Disp/Reviews	High
iii. Non-secured Custody	High
iv. Emancipation	Medium
v. Termination of Parental Rights	Medium
vi. Judicial Waivers	High
g. Involuntary Commitment hearings	High





COVID-19 Court Management Workgroup List

**SUPERIOR COURT**

**(CRIMINAL)**

<b>PRIORITY</b>	<b>COURT TYPE</b> *Statutory priority noted below the type, if applicable
High	A. Administrative Sessions
Low	B. Misdemeanor Appeals
High	C. First Appearances
High	D. PVs – In-custody/Jail cases
Medium	E. PVs – Not in custody
High	F. PV Arrest Review * PV preliminary review must occur within 7 days of arrest for P.C.
High	G. Pleas – In-Custody/Jail cases
Medium High	H. Pleas – Not in custody
Medium High	I. Jury Trials
Low Medium	J. Non-Jury Trials
Medium High	K. Motions
High	L. Grand Jury
Low Medium	M. Innocence Commission Referred Cases
Low	N. Sex Offender Registry Hearings
Medium	O. Bond Modifications
High	P. Review and Issuance of Search Warrants
High	Q. Review and Issuance of LEO Orders (phone orders)
Medium	R. Motions for Appropriate Relief (or related Evidentiary Hearings)
High	S. Writs of Habeas Corpus
Medium	T. Specialty Courts (drug court/90-96 hearings, Veterans Treatment Court, etc.)





COVID-19 Court Management Workgroup List

**SUPERIOR COURT**

**KEY**

NCBC = North Carolina Business Court

BCR = Business Court Rules

**(CIVIL)**

<u>Priority</u>	<u>Hearing Type</u>
	<i>*Statutory priority noted below the type, if applicable</i>
Medium High	A. Jury Trials
Medium High	B. Non-Jury Trials
High	C. Settlement Approvals
High	D. Motions (split between dispositive, emergency, contempt, TROs, etc.)  BCR 9.3 Case Management Conferences BCR 10.9 Discovery Disputes NCBC Status Conferences
Low High	E. Petitions for Release of Law Enforcement Agency Recording  <i>* Statutory priority under N.C.G.S. 132-1.4A(f): petitions filed pursuant to this subsection shall be set down for hearing as soon as practicable and shall be accorded priority by the court.</i>
High Medium	F. Appeals from the Clerk (i.e. Foreclosure, Incompetency)
High	G. Will Caveats
High Low	H. Facial Constitutional Challenges to acts of the General Assembly (i.e. 3JP cases)
Medium	I. Administrative Sessions
Medium High	J. Swearing-In of New Attorneys and Judges
Medium	K. Administrative Appeals
High	L. Judicial Review of State Board Decisions (i.e. appeal of State Board of Elections decision)
Low	M. Gun Permit Denial Appeals





## COVID-19 Court Management Workgroup List

### **(FAMILY COURT/JUVENILE COURT)**

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\*\* = Indicative of High Priority

#### CUSTODY\*\*

- Ex Parte – Emergency
- Temporary
- Permanent

#### DOMESTIC VIOLENCE\*\*

- Ex Parte
- Return Hearing

#### CHILD SUPPORT

- Temporary
- Permanent

#### POST-SEPARATION SUPPORT

#### INTERIM DISTRIBUTION (TRO)

#### TEMPORARY RESTRAINING ORDERS

#### CONTEMPT

- First Appearance
- Hearing

#### EQUITABLE DISTRIBUTION and ALIMONY

- Initial Status Conference
- Final Pre-Trial Conference
- Trial

#### INVOLUNTARY COMMITMENTS

#### JUVENILE

- Abuse/Neglect/Dependency\*\*
  - First Appearances
- Non-Secure Custody Hearings
- Delinquency





## ATTACHMENT C:

### POSSIBLE INNOVATIONS IN COURT SCHEDULING & OPERATION TO MINIMIZE EXPOSURE RISK

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- Prioritize proceedings in terms of how critical they are, and ramp up the most critical proceedings first. (See draft field guidance from CJ office.)
- How to address the filing extension (currently set to expire June 1 for all case types, filing types, actions, etc.)
- A plan for ensuring access to clerks' offices during normal business hours, including access to public records and the ability to make payments and submit filings
- Recommended protocol with step-by-step instructions for responding to a confirmed COVID-19 infection in the courthouse
- Recommended best practices for handling high volume court dockets including traffic court and small claims while limiting large gatherings
  - Engage in a space analysis – are there ways the courtrooms, meeting rooms, and office areas may be utilized differently to allow for greater social distancing, less congregating, and less thru traffic? (e.g., limiting occupancy to 20% of max?)
  - Continue screening persons attempting to enter the courthouse for COVID-19 symptoms.
  - Continue utilizing remote proceedings both for efficiency and for the social distancing benefits.
  - Utilizing protective shields (i.e., sneeze-guards) at court official counters.
  - Look at alternatives to large gatherings of persons in the same courtroom. For example, perhaps run an audio-video feed to an adjacent room so that non-essential persons may view the proceedings from there rather than adding to the number of persons in the courtroom.
  - Place distance markers on the walls and floors of the public areas to serve as social distancing reminders, and ask law enforcement (i.e., bailiffs) to assist with enforcing social distancing restrictions.
- Plan for resuming domestic courts to handle divorces, child custody, PSS, child support, A/N/D, and juvenile court matters
- Recommendations to identify additional hearings or other proceedings that could be conducted safely while we continue to exercise social distancing
- Plan for resuming jury trials. Concerns about both the placement of jurors shoulder to shoulder in the jury box and jury deliberation room, and the large collection of potential jurors in the jury holding area prior to selection.
- Best practices for calendaring and controlling WebEx remote hearings
- Best practices to ensure public access to such hearings where appropriate
- Evaluate whether there are employees who could be home-based permanently or more long-term (for example, persons who work primarily in the field, and persons who engage in work that ordinarily does not require in-person interaction with others).





## TASK FORCE PARTICIPANT MEETING NOTES

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